

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DONNIE JAMES VINSON,
PLAINTIFF

vs.

CAMPBELL COUNTY SHERIFF'S
DEPARTMENT; ZACHARY F.
GRAVES, INDIVIDUALLY AND IN HIS
CAPACITY AS OFFICER OF THE
CAMPBELL COUNTY SHERIFF'S
DEPARTMENT; ADAM DOUGLAS,
INDIVIDUALLY AND IN HIS
CAPACITY AS OFFICER OF THE
CAMPBELL COUNTY SHERIFF'S
DEPARTMENT AND GARY W.
PERKINS, INDIVIDUALLY AND IN
HIS CAPACITY AS SHERIFF OF THE
CAMPBELL COUNTY SHERIFF'S
DEPARTMENT,
DEFENDANT'S

Case No. 3:08-CV-512
Phillips / Guyton

BY _____ DEPT. CLERK

U.S. DISTRICT COURT
EASTERN DIST. TENN.

2008 DEC 23 A 10:04

FILED

COMPLAINT

NOW COMES Plaintiff, Donnie James Vinson, pro se, and hereby files this
action against Defendants Campbell County, Tennessee; Campbell County Sheriff's
Department and officers and deputies named herein above.

NATURE OF ACTION

Plaintiff does hereby sue Defendants, Campbell County, Tennessee; Zachary F.
Graves, individually and in his official capacity as Deputy of the Campbell County

Sheriffs Department; Adam Douglas, individually and in his official capacity as Deputy of the Campbell County Sheriffs Department; Gary W. Perkins, individually and in his official capacity as Sheriff of the Campbell County Sheriffs Department for their acts who at all times relevant to this action was acting within the scope of their employment as officials of the Campbell County Sheriffs Department, Campbell County, Tennessee.

JURISDICTION

1. Plaintiff brings this action under diversity of citizenship in that the Plaintiff is and was at all times relevant to this action, a citizen and resident of Kentucky. The Defendants are and were at all times relevant to this action, citizens and residents of Tennessee, and/or officials and/or agents of governmental units of the State of Tennessee. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 USC §1332.

2. Plaintiff also brings this action under a federal statute, Title 42, § 1983 of the United States Code, along with the TENNESSEE GOVERNMENTAL TORT LIABILITY ACT.

THE PARTIES

1. Plaintiff, DONNIE JAMES VINSON, at all times herein relevant, resides at 660 Banner Fork Road, Wallins Creek, Kentucky 40873. Telephone number (606) 664-2754.

2. Defendants Campbell County Sheriff's Department, Zachary F. Graves Adam Douglas and Gary W. Perkins, at all times herein relevant, are located at Post Office Box 82, Kentucky Street, Jacksboro, Campbell County, Tennessee 37757. The officers' personal addresses are unknown.

FACTUAL ALLEGATIONS

1. On or about Saturday, December 29, 2007, at approximately 2:30 AM Plaintiff was traveling on I-75 in a florist van belonging to his employer, The White Lily, located in London, Kentucky, on a trip to Caryville, Tennessee.
2. Plaintiff was returning to Kentucky and, through the back windows of the van, noticed flashing blue lights behind him. There are no side windows in the van.
3. Plaintiff pulled to the side of the road to let the vehicles that were following pass.
4. As soon as Plaintiff pulled to the side, a Campbell County Sheriff's Deputy began banging on the van window and yelling for Plaintiff to get out of the van.
5. As Plaintiff tried to put the vehicle in park and disengage the seat belt, the door was opened by a Deputy.
6. He pulled Plaintiff from the van and immediately started to beat him in the face and in the head.
7. Plaintiff was also hit from behind on his head several times and hit on his back, until he felt numb and fell to the ground, where he was kicked and stomped on by the Deputy.
8. Plaintiff was handcuffed while he was on the ground.
9. One of the Deputies tried to pull the other one off of Plaintiff and to stop him from beating Plaintiff, but was unsuccessful.
10. Plaintiff then recalls being picked up by his hands that were handcuffed behind him and being slammed against the van.
11. Plaintiff was then hit again in the face and was placed in one of the Deputy's

cars and taken to St. Mary's Hospital located in LaFollette Tennessee.

12. Plaintiff was threatened by the Deputy not to "say anything to anyone or else."

13. Plaintiff felt dazed and was incoherent when the nurse asked him what had happened.

14. The Deputy continued to verbally abuse Plaintiff in the ER until the nurse threatened to have him removed from the ER if he did not stop.

15. After Plaintiff was treated for his injuries and a blood sample was taken, he was transported to Campbell County Detention Center.

16. Once there, Plaintiff, still bleeding, was processed, placed on the floor in a holding area and later taken to a cell.

17. As Plaintiff entered the cell, another person in the cell said, "Well, they have beat the hell out of another one. Jesus, look at him."

18. A bond was set by State Circuit Court Judge Shane Sexton.

19. Plaintiff was released to the people who posted the bond.

20. Plaintiff was barely able to walk out of the Detention Center.

21. Plaintiff was immediately dismissed by his employer, The White Lily, after being told that he had tried to run over the Deputies and had been arrested for DUI.

22. Plaintiff was denied unemployment benefits.

23. Having no income or insurance, Plaintiff recuperated for several weeks at home.

24. On March 5, 2008, Plaintiff saw his Primary Care Physician, James R. West, M.D., at Knox Family Medicine in Barbourville, Kentucky.

25. At the clinic, Dr. West ordered an x-ray which showed what appeared to be a small fracture of the pelvis.

26. On April 29, 2008, Plaintiff appeared in Campbell County Circuit Court.

27. Defendants did not appear or produce evidence, therefore the case was dismissed.

28. Due to his physical injuries and continuing pain, Plaintiff's ability to work in the floral industry has been severely limited, including a contract in Hong Kong, China, where he worked during the fall of 2007, and earned \$ 12,500.00 per contract.

29. Plaintiff continues to receive, but is unable to pay, medical bills from injuries sustained December 29, 2007.

30. Therefore, Plaintiff continues to suffer mental anguish from this incident.

31. Plaintiff claims Campbell County Sheriff's Deputies used excessive force beyond the scope of their duties.

WHEREFORE, PLAINTIFF PRAYS THE FOLLOWING JUDGMENT

1. That proper process issue and be served upon Defendants, and that Defendants be required to appear and answer this Complaint within the time required by law.

2. That Defendants be found liable for negligent acts and/or intentional acts, of it's employees, and that Plaintiff be compensated.

3. That Plaintiff be awarded judgment against Defendants, jointly and severally, for violation of Plaintiff's Civil Rights and injuries sustained during the incident.

4. That Plaintiff be awarded compensatory damages against Defendants, in the amount not to exceed \$5,000,000.

5. That Plaintiff be awarded punitive damages against Defendants, in the amount not to exceed \$2,500,000.

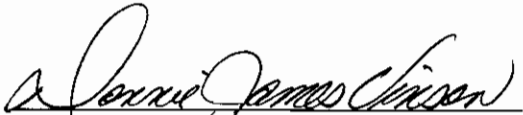
6. That this Court grants Plaintiff's award of reasonable attorney fees and cost of litigation, pursuant to 42 U.S.C. § 1983, predicated upon the facts and circumstances involved in this case.

7. That this Court grants Plaintiff such affirmative and general relief as may be deemed appropriate under the facts and circumstances involved in this case.

8.. That this Court allows leave to amend this Complaint as more facts and circumstances become known to Plaintiff.

9. That a jury be empanelled to try this case.

Respectfully submitted this 23 day of December 2008.


Donnie James Vinson, Plaintiff, Pro Se
660 Banner Fork Road
Wallins Creek, Kentucky 40873
Phone: 606-664-2754
Email: dvinson660@live.com